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in the modern corporate mortgage the description of the property mortgaged may extend over one hundred printed pages, and to insert all this in an engraved bond would be a most startling innovation. We believe that it is customary to insert in the bond (as well as in the mortgage securing the same) that in case of a default the principal of the bond may be declared due. Mr. Clephane's form omits this provision.

In our opinion the book is not carefully planned; lacks originality; contains needless repetition; and its forms are incomplete in number and verbose in substance.

A TREATISE ON SPECIAL SUBJECTS OF THE LAW OF REAL PROPERTY. By Alfred G. Reeves. Boston: Little, Brown & Co. 1904. pp. lxxv, 913.

Decidedly the law of real property is having its innings. The seed sown by Digby, Maitland and Gray has not all fallen on stony ground, and we are beginning, in increasing measure, to reap the fruits of their labors. Within a decade we have had Jenks' admirable summary of the Modern Law of Real Property, Tiffany's lucid exposition of the same theme from the American point of view, new editions of Edwards' Compendium and of Williams' and Washburn's standard treatises, with abundant discussion of perpetuities, contingent remainders, determinable fees, and the like in the legal periodicals. Not the least interesting and valuable of these recent contributions to our understanding of property law is Professor Reeves' learned treatise. A new and original form of exposition lends itself easily—perhaps too easily—to criticism. It is at least open to question whether the combination of "outline" and "elaborate treatment" of special topics provides a form suited either to the student for whom the former is designed or to the lawyer who will find his chief account in the latter. But the problem of furnishing a text-book for the beginner and a handbook for the expert in our science in one and the same work is probably insoluble, and Professor Reeves' device for meeting it is not without merits of its own. Perhaps a fuller outline of the common law system as modified by equity followed immediately by the author's admirable exposition of the Feudal System (Book II—Holdings of Real Property, pp. 333-396), with the detailed study of fixtures and incorporeal hereditaments postponed to a more convenient season, would have rendered the book more useful to the student without detracting from its utility for the profession at large. But all qualifications aside, the work is one of unusual excellence. Not the least of its merits is the fact that in it our law of real property once more becomes a living, breathing reality. The whole of it, from its obscure Anglo-Saxon beginnings through the artificialities of its feudal development, down to its latest expression in recent American statutes and decisions, is welded together into a coherent and intelligible system. In the second place the form of statement adopted is clear and interesting, free from unnecessary technicalities and with the unavoidable obscurities brought into the light of modern understanding. And, lastly, it is in the main an accurate presentation of the law, ancient and modern. The author has mastered the abundant literature of the subject as well as the leading cases, and he has read the cases him-

self, with judgment and discrimination. Incomplete as it is (the volume in hand, consisting of an outline of all property law, and of full treatment of special topics, is to be followed by a second volume devoted to estates and acquisition of title) the work is to be welcomed as a substantial contribution to the literature of the law of Real Property. The faults of the book are the defects of its qualities. An original mind—such as is too seldom attracted to the study of property law—yields insensibly to the temptation to recast the terminology of its subject, to affix definite and precise meaning to terms and phrases, which have come to be used in a confusing variety of significations, to classify and arrange—in a word, to bring order out of chaos. It is hardly necessary to say that this is in many respects the most important service which the law writer can perform, nor that he who undertakes it must be prepared to justify every such innovation as a necessary improvement on the existing terminology or classification. For, if not necessary, the innovation but adds another element of uncertainty and makes confusion worse confounded. No exception can be taken to the adoption of the phrase “qualified estate” to describe the various forms of conditional and determinable estate, as fees tail, estates on condition, estates on (collateral) limitation, and estates on conditional limitation, and the elimination of the double faced base fee from our legal vocabulary is to be commended. The restriction of the phrase estate or fee “on limitation” to the estate on “collateral” or “special” limitation is of doubtful utility as involving confusion of the popular with the technical sense of the term limitation. To limit an estate does not in the law of real property mean to restrict or qualify it. Every fee, whether absolute or qualified, is an “estate on limitation,” and it would have been better to employ the more usual phrase, collateral limitation, to describe the estate under consideration. The bold assumption in the text (p. 599) of the general validity of fees of this character is not justified nor properly qualified by the reference in a foot note (p. 601) to Prof. Gray’s discussion of the question in his work on Perpetuities.

Other instances may be observed of the author’s freedom in dealing with ancient landmarks of the law. It is not easy to see what is gained by adopting a novel definition of the term fixtures in preference to the one “most commonly” employed by “courts and text book writers”; nor why, if the good old term “servitude” was to be rescued from oblivion and pressed into the service of the modern lawyer it should have been perverted from its original signification, comprehending all manner of rights *in alieno solo*, to a restricted description of the various kinds of quasi-easements, such as customary and public rights, natural rights, etc., to the exclusion of rents, profits, and easements proper. The reviewer is at a loss whether to assign the same penchant for improvement of our legal terminology the author’s curious identification of the modern contract-rent with the feudal rent-service (pp. 120–132). The confusion which this involves for the student of our legal history is not compensated by any advantage flowing to the practicing lawyer from such a misreading of the authorities. The repeated description of feudal villeins as slaves and the conception of rent-service as derived from the menial services rendered by the emancipated slaves for the land parcelled out to them

(p. 122) is a singular aberration in a work so learned and generally so sound and accurate. Among minor errors are to be noted the statement that the tenant's estoppel in American law of real property is based on the existence of a rent (p. 123) and the classification of an absolute conveyance made for security as an equitable mortgage (p. 620). "Tenorial" rent (p. 117) is of course a misprint for termorial.

It is one of the inevitable vices of a careful review that the errors to which attention is called shall loom so large as to obscure the commendation which it accords. But the reviewer is at fault if he has not left upon the reader the impression that the work under consideration is, with all its blemishes, a singularly valuable and interesting contribution to the literature of its subject. The second and concluding volume of Prof. Reeves' treatise will be eagerly awaited.

REVIEWS TO FOLLOW :

FRENCH LAW OF EVIDENCE. O. E. Bodington. London : Stevens & Sons. 1904. pp. viii, 199.

STREET RAILWAY REPORTS. Vol. II. Edited by Frank B. Gilbert. Albany : Matthew Bender & Co. 1904. pp. xix, 1051.

CURRENT LAW. George Foster Longsdorf, Editor in Chief. St. Paul : Keefe-Davidson Co. 1904. pp. Vol. I, x, 1208 ; Vol. II, xviii, 2195.

JURISDICTION AND PROCEDURE OF THE SUPREME COURT. Hannis Taylor. Rochester : Lawyers' Co-operative Publishing Co. 1905. pp. lxvi, 1007.

WHARTON & STILLE'S MEDICAL JURISPRUDENCE. Three vols. Fifth Edition. Rochester : Lawyers' Co-operative Publishing Co. 1905. pp. Vol. I, clv, 1031 ; Vol. II, xxx, 858 ; Vol. III, lxxix, 692.

WHARTON ON THE CONFLICT OF LAWS. Third Edition by George H. Parmele. Rochester : Lawyers' Co-operative Publishing Co. 1905. pp. xxiv, 1830.

COLLIER ON BANKRUPTCY. Fifth Edition by F. B. Gilbert. Albany : Matthew Bender & Co. 1905. pp. xlv, 1038.

CONSTITUTIONAL LAW IN THE UNITED STATES. Emlin McClain. New York : Longmans, Green & Co. 1905. pp. xxxviii, 438.